



INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0034-17
Applicant's Name:	C. Brown
PART 2: Decision History	
Original Decision:	Breach of Rule 137A(5)(a)(ii) of the Australian Rules of Racing
Original Decision Makers:	A. Reardon, D. Aurisch, D. Brown, J. Williamson, N. Boyle, P. Zimmermann, B. Connell
Date of Original Decision:	20 May 2017
Internal Review Decision:	Original decision of charge and penalty set aside
Internal Review Decision-Maker:	Mr Ross Barnett APM, Racing Integrity Commission (on advice from Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission)
Date of Internal Review Decision:	25 May 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Corey Brown, rider of SENSE OF OCCASION was found guilty under Australian Rule of Racing Rule 137A(5)(a)(ii) in that he used the whip on 8 occasions prior to 100 metres in race seven at Doomben on 20 May 2017.</p> <p>AR137A(5) states: (5) <i>Subject to the other requirements of this rule:</i></p> <p>(a) <i>In a race, official trial or jump-out prior to the 100 metre mark;</i></p> <p>(i) <i>The whip shall not be used in consecutive strides.</i></p> <p>(ii) <i>The whip shall not be used on more than 5 occasions save and except where there have only been minor infractions and the totality of the whip use over the whole race is less than permitted under AR.137A(5)(a) and (b) and also having regard to the circumstances of the race including distance and context of the race, such as a staying race or a rider endeavouring to encourage his mount to improve.</i></p> <p>(iii) <i>The rider may at his discretion use the whip with a slapping motion down the shoulder, with the whip hand remaining on the reins.</i></p> <p>(b) <i>In the final 100 metres of a race, official trial or jump-out a rider may use his whip at his discretion.</i></p> <p>The stewards report states: "C. Brown pleaded guilty to a charge under AR. 137A(5)(a)(ii) in that he used the whip on 8 occasions prior to the 100m. As C. Brown had recently been penalised on two occasions in April, which included a suspension of his licence to ride and a fine, stewards determined that the appropriate penalty be a suspension of his licence for 7 days and a fine of \$2000. As C. Brown had transport commitments, the dates applicable to the suspension will be determined at a later date."</p> <p>The dates of suspension were confirmed by stewards to commence midnight 27 May 2017 and conclude at midnight on 3 June 2017.</p>	



The Applicant sought a review on charge and penalty.

PART 4: Reasons for Internal Review Decision

Each case is determined on its merits and circumstances. In weighing up the evidence, including the Applicants submissions and provisions under the rule, the reviewer finds the Applicant's whip use was a minor infraction, considering the totality of whip use and the circumstances of the race. Therefore, is not satisfied the offence is proven and sets aside the original decision.

PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

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Email: enquiries@qcat.qld.gov.au